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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,080

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Stephen G. Dale

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EXAMINER

HAMZA, FARUK

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,080	DALE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Faruk Hamza	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/18/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. This action is responsive to the amendment filed on July 19, 2005. Claims 20-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 18, 2005. Claims 1, 11, 18 and 22 have been amended. Claims 1-19 and 22 are now pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Susai et al. (U.S. Patent Number 6,725,272) hereinafter referred as Susai.

Susai teaches the invention as claimed including an apparatus, method and computer program product for guaranteeing network client-server response time while providing a way of putting the client on-hold when the response time temporarily prohibits, access to the requested server (See abstract).

As to claim 1, Susai teaches a method of using a router to cache inquiry data corresponding to a target device in a network having a plurality of client devices, the method comprising:

storing inquiry data corresponding to a target device in a cache memory (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses storing inquiry data corresponding to a target device);

receiving a request for the inquiry data corresponding to the target device (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses receiving request for inquiry data);

reading the inquiry data from the cache memory (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses reading inquiry data from cache); and

providing the inquiry data corresponding to the target device in response to the request (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses providing inquiry data).

As to claim 2, Susai teaches the method of claim 1, further comprising collecting the inquiry data corresponding to the target device prior to storing the inquiry data corresponding to the target device (Column 4, lines 16-33).

As to claim 3, Susai teaches the method of claim 2, wherein collecting the inquiry data corresponding to the target device comprises detecting the inquiry data corresponding to the target device as the inquiry data corresponding to the target device is transmitted from the target device to a requesting host device (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 4, Susai teaches the method of claim 2, wherein collecting the inquiry data corresponding to the target device comprises detecting a request for the inquiry data corresponding to the target device as the request is routed from a host to the target device and copying the inquiry data corresponding to the target device which is returned by the target device in response to the request (Column 4, lines 16-33).

As to claim 5, Susai teaches the method of claim 1, wherein providing the inquiry data corresponding to the target device in response to the request comprises determining whether the target device is busy, and providing the stored inquiry data corresponding to the target device if the target device is busy and providing inquiry data returned by the target device if the target device is not busy (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 6, Susai teaches the method of claim 5, wherein if the target device is not busy, the inquiry data that is returned by the target device in response to the request is stored in the cache memory in place of previously stored inquiry data (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 7, Susai teaches the method of claim 1, wherein the inquiry data from the cache memory is provided to the target device in response to the request regardless of whether or not the target device is busy (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 8, Susai teaches the method of claim 1, further comprising storing inquiry data corresponding to each of a plurality of target devices, receiving requests for the inquiry data corresponding to one or more of the target devices, determining whether the corresponding target devices are busy and, for each of the target devices that is busy, returning the corresponding stored inquiry data,

and, for each of the target devices that is not busy, returning the corresponding inquiry data returned by the target device (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 9, Susai teaches the method of claim 1, further comprising: upon receiving a first request for inquiry data, forwarding the first request to the target device regardless of whether or not the target device is busy, storing inquiry data returned in response to the first request, forwarding inquiry data returned in response to the first request to a requesting device and, in response to subsequent requests, reading the inquiry data returned in response to the first request from the cache memory and providing the inquiry data returned in response to the first request in response to the subsequent requests (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 10, Susai teaches the method of claim 1, further comprising determining whether a received command comprises a request for inquiry data and: if the received command comprises a request for inquiry data, reading the inquiry data from the cache memory and providing the inquiry data corresponding to the target device in response to the request; and if the received command does not comprise a request for inquiry data, forwarding the command to the target device for execution (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 11, Susai teaches a device comprising:  
a router configured to route data between one or more hosts and one or more target devices (Fig. 2, Column 4, lines 16-49, Susai discloses router); and  
a cache memory coupled to the router (Fig. 2, Column 4, lines 16-33, Susai discloses memory);  
wherein the router is configured to store inquiry data received from the one or more target devices and to provide at least a portion of the stored inquiry data in response to a request for inquiry data corresponding to one of the target devices that is busy (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41, Susai discloses router storing inquiry data).

As to claim 12, Susai teaches the device of claim 11, wherein the router is configured to detect the inquiry data as the inquiry data is transmitted from the target device to a requesting host device (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 13, Susai teaches the device of claim 11, wherein the router is configured to detect a request for the inquiry data as the request is routed from a host to the target device and copying the inquiry data which is returned by the target device in response to the request (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).



As to claim 14, Susai teaches the device of claim 11, wherein the router is configured to determining whether the target device is busy, and provide the stored inquiry data if the target device is busy and providing inquiry data returned by the target device if the target device is not busy (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 15, Susai teaches the device of claim 14, wherein, if the target device is not busy, the router is configured to store the inquiry data returned by the target device in response to the request in the cache memory in place of previously stored inquiry data (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 16, Susai teaches the device of claim 11, wherein the router is configured to provide the inquiry data from the cache memory to the target device in response to the request regardless of whether or not the target device is busy (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 17, Susai teaches the device of claim 11, wherein the router is configured to store inquiry data corresponding to each of a plurality of target devices, to receive requests for the inquiry data corresponding to one or more of the target devices, to determine whether the corresponding target devices are

busy and to return the corresponding stored inquiry data for each of the target devices that is busy, and returning the corresponding inquiry data returned by the target device for each of the target devices that is not busy (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 18, Susai teaches the device of claim 11, wherein if the inquiry data is not stored in the cache, the router is configured to: upon receiving a first request for inquiry data, forward the first request to the target device regardless of whether or not the target device is busy; store inquiry data returned in response to the first request; forward inquiry data returned in response to the first request to a requesting device; and, in response to subsequent requests, reading the inquiry data returned in response to the first request from the cache and providing the inquiry data returned in response to the first request in response to the subsequent requests (Column 4, lines 16-33;Column 5, lines 66-Column 6, lines 41).

As to claim 19, Susai teaches the device of claim 11, wherein the router is configured to determine whether a received command comprises a request for inquiry data and wherein the router is configured to: if the received command comprises a request for inquiry data, read the inquiry data from the memory and provide the inquiry data corresponding to the target device in response to the request; and if the received command does not comprise a

request for inquiry data, forward the command to the target device for execution (Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 41).

As to claim 22, Susai teaches a computer readable medium, wherein the computer readable medium contains one or more instructions which are configured to cause a computer to perform the method of using a router to cache inquiry data corresponding to a target device in a network having a plurality of client devices, the method comprising:

storing inquiry data corresponding to a target device in a cache memory (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses storing inquiry data corresponding to a target device);

receiving a request for the inquiry data corresponding to the target device (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses receiving request for inquiry data);

reading the inquiry data from the cache memory (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses reading inquiry data from cache); and

providing the inquiry data corresponding to the target device in response to the request (Fig. 2, Column 4, lines 16-33; Column 5, lines 66-Column 6, lines 17, Susai discloses providing inquiry data).

### ***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

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